CITY OF BOSTON
IN CITY COUNCIL

AN ORDINANCE TO ESTABLISH GUIDELINES FOR PERMITTING RETAIL RESIDENTIAL KITCHENS

WHEREAS, Entrepreneurs across the city without access to the capital needed to start a brick-and-mortar business often get started in their home, relying either on the online marketplace for sales and consulting, or in-person services such as hair care and beauty supplies; and

WHEREAS, The Boston City Council Committee on Small Business and Workforce Development held a hearing on October 6, 2020, where it was learned that there are currently 22 instances of food businesses being operated out of the home illegally, in neighborhoods like Dorchester, Roxbury, and Mattapan, with potentially many more going unreported; and

WHEREAS, We have an opportunity as a city to empower small business owners in all stages and capacities. Most importantly, to help kickstart their businesses, we can provide retail residential kitchen permits, which is a type of business that allows entrepreneurs to prepare certain types of food in their home to be sold for profit; and

WHEREAS, Retail Residential kitchens not only help food entrepreneurs get a leg up in an increasingly volatile market, but it also helps supply local, culturally competent food to neighborhoods that too often exist in areas without access to reliable nutritious food; and

WHEREAS, Cities across Massachusetts, including Arlington, Concord, and Newton have codified cottage food operations in their city codes, and Cambridge most recently is set to begin to allow for these kinds of operations as well; and

WHEREAS, The City of Boston has previously created innovative pathways to entrepreneurship, such as our Food Truck Program. The time has come again for Boston to encourage new and creative ways to start a business;

NOW THEREFORE

Be it ordained by the City Council of Boston as follows:
**SECTION 1.** The City of Boston Code, Ordinances, Chapter IX, shall be amended by adding at
the end thereof, the following new section and subsections:

**9-9.15 RETAIL RESIDENTIAL KITCHENS**

A. Definitions
   a. “Cottage Food Operation” means a person who produces cottage food products
      only in the home kitchen of that person's primary domestic residence.
   b. “Cottage Foods” means non-time/temperature control for safety baked goods,
      jams, jellies, and other non-time/temperature control for safety foods produced
      in cottage food operations. Retail Residential Kitchens may not prepare finished
      products that require hot or cold holding for safety, including meat or fish that is
      raw or heat-treated, certain cut produce including melons, leafy greens, and
      tomatoes.
   c. “Retail Residential Kitchens” is any cottage food operation that sells directly to the
      consumer.

B. Permits
   a. A Retail Residential Kitchen permit shall be required for any resident who wishes
      to prepare cottage foods and other foods deemed to be admissible by Inspectional
      Services Department (ISD), such as juices or teas, for retail and/or wholesale
      distribution. Residents must apply for the permit through ISD.
   b. The annual fee for a Retail Residential Kitchen permit shall be one hundred
      ($100.00) dollars.
   c. Applicants shall obtain all necessary permits and regulatory approvals, including
      approval from the Boston Zoning Board of Appeal, that may be required to safely
      operate a Retail Residential Kitchen.
   d. Applicants who are renters must provide written permission from their landlord in
      order to obtain a permit.

C. Training
   a. ISD will ensure that residential kitchen permittees and anyone working in the
      kitchen is certified through ServSafe and meets Massachusetts Food Allergens
      Awareness Training certification requirements.

D. Health Code Standards for Permitted Residential Kitchens
   a. General Guidelines. All Retail Residential Kitchen Operations shall comply with
      State Sanitary Code 105 CMR 590. A physical copy of these guidelines shall be
      given to every permittee.

E. Compliance and Enforcement.
   a. Inspection. Retail Residential Kitchens shall receive annual inspections through the
      Health Division of the Inspectional Services Department (ISD), and shall comply
      fully with their rules and regulations. Retail Residential Kitchen may also be
      subject to random compliance inspections.
   b. Penalties. Any person found to be operating a Retail Residential Kitchen in
      violation of this Section or in violation of the terms of their permit may be subject
      to a fine of up to three hundred ($300.00) dollars. The Commissioner of
Inspectional Services or their designee may issue a written warning, a notice of violation, a fine, and/or suspension or revocation of permits.

c. Enforcement. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and M.G.L. Chapter 40U as accepted by the City of Boston.

F. Regulations.

The Commissioner of Inspectional Services shall promulgate rules and regulations necessary to implement and enforce the provisions of this Section.

**SECTION 2. Effective Date.**

This ordinance shall be effective upon passage.

Filed in City Council: January 27, 2021